IN THE CHHATTISGARH HIGH COURT

BILASPUR

(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CIVIL WRIT PETITION NO. 1717 OF 2004

IN THE MATTER OF:

1. All Higher Educational upliftment Society
Raipur,
(through its Secretary)
having its office at:
244 Sailender Nagar
Raipur Teh: Distt. Raipur

2. ACN International University,
(Through its Registrar, Sh. Anil Goyal)
having its office at:
244 Sailender Nagar
Raipur Teh: Distt. Raipur ...Petitioners

Versus

1. State of Chhattisgarh,
(through the Secretary, Higher Education,
Technical Education and Manpower Planning
Science and Technology)
Mantralaya,
DKS Bhawan,
Raipur.

2. The Regulatory Commission
(through its Chairman),
Mantralaya,
DKS Bhawan, Room No. 387,
Raipur (Chhattisgarh) ...Respondents

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24/6/04
Clerk to A. G. Bilaspur

(5)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT, ORDER OR DIRECTIONS INTER ALIA IN THE NATURE OF 'DECLARATION' ADJUDGING THE AMENDMENTS INTRODUCED IN 'CHHATTISGARH NIJI KSHETRA VISHWA VIDYALAY (STAPANA AUR VINIYAMAN) ADHINIYAM 2002' BY WAY OF PASSING 'THE CHHATTISGARH NIJI KSHETRA VISHWA VIDYALAYA (STHAPANA AUR VINIYAMAN) SANSODHAN ADHINIYAM 2004' AS UNCONSTITUTIONAL, ULTRAVIRES AND VIOD :

XI-HC-78

(153)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P. 1717/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. S.R.J. Jaiswal, learned counsel for the petitioners, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh.

In this writ petition the petitioners have challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice

Sd/-
Sunil Kumar Sinha
Judge

Subbu